1	IN THE KENTUCKY PUBLIC SERVICE COMMISSION
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3	
4	IN RE: INVESTIGATION:
5	Case No. 2003-00433 AN ADJUSTMENT OF THE GAS AND ELECTRIC RATES,
6	TERMS, AND CONDITIONS OF LOUISVILLE GAS AND ELECTRIC COMPANY
7	BBBCTRIC COMPANI
8	and
9	
10	Case No. 2003-00434 AN ADJUSTMENT OF THE ELECTRIC RATES, TERMS, AND
11	CONDITIONS OF KENTUCKY UTILITIES COMPANY
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13	* * *
14	
15	SWORN STATEMENT
16	OF
17	MIGUEL SANCHEZ
18	AUGUST 5, 2005
19	regived
20	L 4/14/27
21	ELLEN L. COULTER, RPR Coulter Reporting, LLC
22	101 East Kentucky Street Suite 200
23	Louisville, Kentucky 40203 (502) 582-1627
24	FAX: (502) 587-6299 E-MAIL: CoulterLLC@bellsouth.net
25	

## APPEARANCES SPECIAL GENERAL COUNSEL TO THE PUBLIC SERVICE COMMISSION: JONATHAN D. GOLDBERG Goldberg & Simpson 3000 National City Tower 101 South Fifth Street Louisville, Kentucky 40202 1.2

The sworn statement of MIGUEL SANCHEZ, 1 taken telephonically in the offices of the Public 2 Service Commission, 211 Sower Boulevard, Frankfort, 3 Kentucky, on Friday, the 5th day of August, 2005, at 4 approximately 12:05 p.m. 5 6 EXAMINATION 7 8 9 BY MR. GOLDBERG: Good morning, sir. Could I ask you to 10 state your full name, please. 11 My name is Miguel Sanchez. 12 Α. All right, sir. And your business 13 0. address? 14 Business address is North American 15 Α. Stainless, 6470 Highway 42 East. 16 All right, sir. I take it you are 17 0. employed by North American Stainless. 18 19 That is correct. Α. And what is your -- what are your job 20 duties at North American Stainless? 21 Currently the maintenance manager. 22 Α. All right, sir. How long have you 23 Q. been maintenance manager at North American Stainless? 24 About -- about six months now, but 25 Α.

I've been maintenance related and new installation 1 related for a long time. 2 How long have you worked at North 3 Q٠ American Stainless at the Ghent, Kentucky facility? 4 Since 1996. 5 All right, sir. I want to take you 6 Ο. back to last year -- well, actually, let's go back to 7 the fall of 2003, and let's call it September 1st, 8 What -- what were your job duties at North 9 2003. American Stainless as of that point in time? 10 Well, I was coordinating maintenance 11 Α. and new installation work and -- related with all the 12 electrical projects and -- and -- yeah, the matters 13 related to our electricity supply fall under my 14 responsibilities. 15 Would the relationship with KU as your 16 Ο. electrical supplier fall under your responsibility? 17 Yes, that's right. 18 Α. Okay. And who did you report to? 19 Ο. I report to the vice president of 20 21 operations and the president. All right, sir. Who was the vice 22 Q. 23 president of operations? 24 Α. Cristobal Fuentes. 25 Christopher [sic] Fuentes? Ο.

1 Α. Yes. All right, sir. Going back to 2 Q. September of 2003, I take it that North American 3 Stainless became unhappy with the rates it was being 4 charged by KU. Am I correct? 5 Yeah, that's -- that's right. 6 Okay. And did you participate in 7 Ο. discussions about the rates dealing -- the KU rates 8 with Mr. Adams and outside counsel for North American 9 10 Stainless? Yes, I participated. 11 12 All right, sir. And I take it that Q. 13 you participated at the time a complaint was filed 14 with regard to these electrical rates charged by KU 15 with the Public Service Commission in September of 2003. Did you participate in that decision? 16 17 Yes, yes. Α. Okay. Now, it's my understanding that 18 Q. subsequent to September of 2003, KU filed a request 19 20 for a new tariff shortly after the complaint was 2.1 filed by North American Stainless. Do you have a recollection of that? 22 23 Yes. I think that is -- that is Α. 24 correct. 25 All right, sir. Do you have a Q.

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recollection of -- in November of 2003 being advised
 1
 2
     that both KU and LG&E were going to seek a rate
 3
     increase?
              Α.
 4
                     Well, I'm not sure about the dates,
 5
     but, yeah, they -- they were in that -- in that
 6
     point.
                     All right. And would -- do I
 7
              Q.
 8
     understand that you would have a recollection that it
 9
     was in the same year that North American Stainless
10
     filed its complaint against KU?
11
             Α.
                     Yeah, yeah, that's right.
12
             0.
                    Okay.
13
             Α.
                     Yes.
14
                     And do you have a recollection that
             Q.
15
     sometime in the spring, early spring of 2004 that the
16
     Public Service Commission consolidated the North
17
     American Stainless complaint and the tariff with
18
     the -- with the rate cases filed by KU and LG&E?
                                                         Do
19
     you recall that?
20
                     Yes, I recall all that.
             Α.
                                               I'm not sure
21
     the details. I will have to look into papers, but
22
     I'm sure you're right.
23
                    All right, sir.
             Q.
24
             Α.
                    Yeah.
25
                    Now, tell me what Miguel Sanchez's
             Q.
```

responsibility was with regard to the cases filed at the Public Service Commission.

- A. Well, as long as we are -- I hear like an echo or something.
- Q. Yes, sir. I've got you on a speaker box so that both Ms. Coulter and I can hear you at the same time.
- A. I had the impression that you were talking at the same time, so I just stopped.
  - Q. Oh, okay. I'm sorry. What I asked you was your responsibility with regard to the complaint and the rate cases.
  - A. Yeah. Well, I was just the representative of North American Stainless and in that -- in that case. And my responsibilities was to inform what was going on on the -- on this rate case and -- from the technical standpoint. The same way we have the counsel from a legal standpoint, well, I was representing the technical standpoint.
  - Q. Were you participating with the lawyers supplying them information? Was that one of your responsibilities?
    - A. Say it again, please.
- Q. Were you participating with the lawyers by providing them technical information?

Yes, yes. 1 Α. 2 Okay. Was that your main Q. 3 responsibility? 4 Α. What, sir? Supplying information to the lawyers? 5 0. 6 Α. Yes, yes, that's right. 7 Q. Okay. And do I take it you were also 8 reporting back to management at North American 9 Stainless as to the progress of the case? 10 Α. Yes. That's correct. 11 0. Okay. Any other functions that you 12 served other than those two? 13 Α. That -- that was all. 14 Q. Okay. Fair enough. 15 Α. Mm-hmm. 16 Now, did you -- in your role Q. 17 representing North American Stainless, did you have 18 occasion to communicate with any of the staff members 19 at the Public Service Commission prior to the spring 20 of 2004 when the case got consolidated? 21 Well, I never -- I never talked to any Α. of these -- of the staff member. 22 23 Okay. Never at any time? 0. 24 Well, yes, we had talked to some of Α. 25 the staff members, but it's an unrelated thing.

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mean, I remember we have a meeting. I was with Nat
 1
             We went to see Tom Dorman and -- to seek for
 2
     information how to proceed with the contract that we
 3
     have with KU. That was way before that.
 4
                    Right. That was in the summer of
 5
             Ο.
 6
     2003.
 7
             Α.
                    But not -- not in that spring time
     where the rate case was going on, no, I never talked
 8
 9
     to them.
                    All right, sir. Other than the
10
             Q.
     conversation with Mr. Dorman, which was in the summer
11
12
     of 2003 before North American Stainless filed its
13
     complaint, did you ever have any other
14
     conversations --
15
             Α.
                    No.
                    -- with the staff?
16
             0.
17
                    No. I never talked to the staff, no.
             Α.
                    All right, sir. And that's at any
18
             0.
     time during any of this process. Am I correct?
19
                    Yeah, you're -- you're correct.
20
             Α.
                    All right, sir. Now, let me ask you
21
             Q.
     that same question with regard to the commission
22
23
               Did you ever have any conversation with any
     members.
     of the commission members?
24
25
             Α.
                    No.
```

```
Okay. And just so that you and I are
 1
             Ο.
     clear, let me give you the names of the commission
 2
     members and have you indicate to me on an individual
 3
     basis whether you ever had any conversations with
 4
     them about the rate cases or about North American
 5
     Stainless.
 6
                    Okay.
 7
             Α.
                     The chairman, Mark David Goss.
 8
             Ο.
                    No, I never met him.
 9
             Α.
                    Okav. Ms. Ellen Williams.
10
             0.
                     I never met with her either.
11
             Α.
                    Okay. Mr. Marty Huelsman.
12
             Q.
                    I never talked to him.
13
             Α.
                    All right. Mr. Gary Gillis.
14
             Ο.
15
                     I don't -- I don't know him.
             Α.
                    All right, sir. And finally Mr. Bob
16
             Q.
     Spurlin, S-P-U-R-L-I-N.
17
                     No, I have never talked to him.
18
             Α.
                    All right. Now, with regard to the
19
             Q.
     rate cases and North American Stainless, did you come
20
     to Frankfort to participate in the hearings in the
21
     spring of 2004?
22
                    Yes, yes, I was there.
23
             Α.
24
             Ο.
                    Okay. Did you come to all of the
     various hearings at the Public Service Commission?
25
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- 1 And let me give you some dates when the hearings
- 2 were. There was an informal conference on April the
- 3 28th, 2004, and then there were actual hearings on
- 4 May 4, 5 and 6 and also on -- a proceeding on May the
- 5 | 12th. Did you --
- A. Well, I went to the commission -- when
- 7 I went to the commission, I'm not sure about the
- 8 dates, okay?
  - Q. All right, sir.
- 10 A. But to a -- to an actual hearing, I
- 11 | don't recall if I went to a hearing. I know if I was
- 12 | sitting on that -- I could not -- I've been there --
- 13 I've been there -- I could not respond exactly what
- 14 date I was there or wasn't or what day I was not, you
- 15 know.

9

- Q. All right. But it was clear that you
- 17 had no communications with the staff or the
- 18 commissioners on any of those days.
- A. Yeah, that was clear. I never talked
- 20 to them, yeah.
- Q. Okay. Now, let me ask you -- this is
- 22 | my final question -- did you ever witness any conduct
- 23 that you thought was either inappropriate or what we
- 24 call collusive behavior at any time as it related to
- 25 the staff or the commissioners?

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1
              Α.
                     I never witnessed anything like that.
                    MR. GOLDBERG: All right, sir. I
 2
 3
     appreciate it. Mr. Sanchez, thank you very much for
 4
     giving us your time.
 5
 6
                     (STATEMENT CONCLUDED AT 12:15 P.M.)
 7
 8
 9
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1 STATE OF KENTUCKY ) ( ) ( SS: 2 COUNTY OF JEFFERSON ) ( 3 I, ELLEN L. COULTER, Notary Public, 4 State of Kentucky at Large, hereby certify that the foregoing sworn statement was taken at the time and 5 place stated in the caption; that the appearances were as set forth in the caption; that prior to 6 giving testimony the witness was first duly sworn by me; that said testimony was taken down by me in 7 stenographic notes and thereafter reduced under my supervision to the foregoing typewritten pages and 8 that said typewritten transcript is a true, accurate and complete record of my stenographic notes so 9 taken. I further certify that I am not 10 related by blood or marriage to any of the parties hereto and that I have no interest in the outcome of 11 captioned case. My commission as Notary Public expires 12 November 5, 2007. Given under my hand this the 13 2005, at Louisville, 14 15 Kentucky. 16 17 18 ELLEN L. COULTER NOTARY PUBLIC 19 20 21 22 23 24 25

1	I, the undersigned, MIGUEL SANCHEZ, do
2	hereby certify that I have read the foregoing sworn
3	statement, and that, to the best of my knowledge,
4	said sworn statement is true and accurate, with the
5	exception of the corrections, if any, listed on the
6	errata sheet.
7	And the
8	
9	MIGUEL SANCHEZ
10	
11	Subscribed and sworn to before me this $29^{\circ}$
12	day of Septenber, 2005.
13	
14	
15	$\mathcal{A}_{\mathcal{A}}$
16	NOTARY PUBLIC
17	
18	$al_{i-1}$
19	My commission expires $9/5/09$
20	
21	CAERO COMO
22	
23	7.07
24 25	23
<i>- J</i>	" and

## COULTER REPORTING, LLC 101 EAST KENTUCKY STREET, SUITE 200 LOUISVILLE, KY 40203

## ERRATA SHEET

NAME MICHEL SANCHEZ DATE OF DEPOSITION 8/5/05	-
After having read my deposition, I wish to make the following changes:	
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[39]	commissioners [2] 11/18 11/25	9/12
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never [11] 8/21 8/21 8/23 9/8 9/17 10/9   remember [1] 9/1   tariff [2] 5/20 6/17			
new [3] 4/1 4/12 5/20   representative [1] 7/14   tell [1] 6/25	1 1 1 1 1 1 1 2 1 2 U	Lehreseistoriae [T] //T.	ten[1] 0/20

## witness [2] 11/22 13/6 witnessed [1] 12/1 TERMS [2] 1/6 1/10 work [1] 4/12 testimony [2] 13/6 13/7 worked [1] 4/3 than [2] 8/12 9/10 would [3] 4/16 6/7 6/8 thank [1] 12/3 would -- [1] 6/7 that [47] that -- [4] 6/5 7/15 8/13 11/12 that's [7] 4/18 5/6 5/6 6/11 8/6 8/10 9/18 yeah [10] 4/13 5/6 6/5 6/11 6/11 6/24 7/13 9/20 11/19 11/20 **that's -- [1]** 5/6 the -- [2] 6/18 7/16 year [2] 4/7 6/9 them [5] 7/21 7/25 9/9 10/5 11/20 year -- [1] 4/7 then [1] 11/3 yes [17] you [41] there [6] 10/23 11/2 11/3 11/12 11/13 you -- [2] 8/16 11/21 11/14 there -- [2] 11/12 11/13 you're [3] 6/22 9/20 9/20 you're -- [1] 9/20 thereafter [1] 13/7 your [12] 3/11 3/13 3/20 3/20 4/9 4/16 these [2] 5/14 8/22 these -- [1] 8/22 4/17 7/11 7/22 8/2 8/16 12/4 they [2] 6/5 6/5 your -- [1] 3/20 they -- [1] 6/5 thing [1] 8/25 think [1] 5/23 this [4] 7/16 9/19 11/21 13/13 those [2] 8/12 11/18 thought [1] 11/23 time [11] 4/2 4/10 5/13 7/7 7/9 8/23 9/7 9/19 11/24 12/4 13/5 to a [1] 11/10 to the [1] 10/19 **Tom [1]** 9/2 Tower [1] 2/5 transcript [1] 13/8 true [1] 13/8 two [1] 8/12 typewritten [2] 13/8 13/8 under [4] 4/14 4/17 13/7 13/13 understand [1] 6/8 understanding [1] 5/18 unhappy [1] 5/4 unrelated [1] 8/25 us [1] 12/4 **UTILITIES** [1] 1/11 various [1] 10/25 very [1] 12/3 vice [2] 4/20 4/22 want [1] 4/6 was [31] wasn't [1] 11/14 way [2] 7/17 9/4 we [7] 7/3 7/18 8/24 9/1 9/2 9/3 11/23 well [9] 4/7 4/11 6/4 7/3 7/13 7/18 8/21 8/24 11/6 went [4] 9/2 11/6 11/7 11/11 were [10] 4/9 6/2 6/5 7/8 7/20 7/24 8/7 11/2 11/3 13/6 what [11] 3/20 3/20 4/9 4/9 6/25 7/10 7/16 8/4 11/13 11/14 11/23 What -- [1] 4/9 when [3] 8/20 11/1 11/6 where [1] 9/8 whether [1] 10/4 which [1] 9/11 who [2] 4/19 4/22 will [1] 6/21 Williams [1] 10/10